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November 3, 2022

BY ECF

The Honorable Sarah L. Cave United States District Court for the Southern District of New York 500 Pearl St. New York, NY 10007

Catherine McKoy, et al., v. The Trump Corporation, et al., 18-cv-09936 (LGS) (SLC) Re:

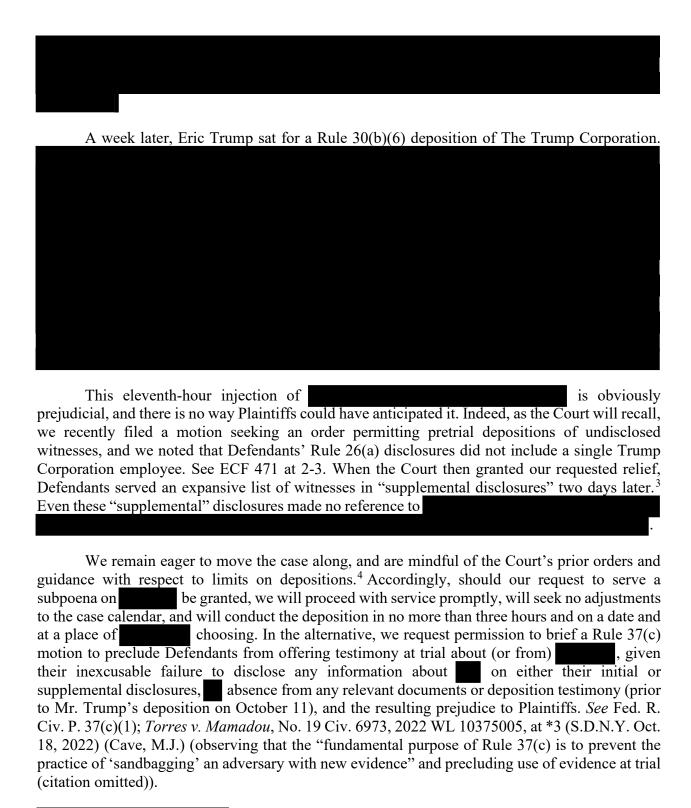
We write on behalf of Plaintiffs to seek leave to serve one additional deposition subpoena

Dear Judge Cave:

beyond the fact discovery cutoff on a former employee of The Trump Corporation who we
understand now lives in Florida . Defendants never disclosed in their
Rule 26(a) disclosures, or even in "supplemental disclosures" served the night before the close of
fact discovery, nor is
But at their depositions shortly after fact discovery closed, both Defendant Donald J. Trump and
his son Eric Trump, the Rule 30(b)(6) designee of The Trump Corporation,
•
More specifically, during his deposition on October 11, 2022, Donald Trump claimed
. And a week later, Eric Trump
testified
Accordingly, Plaintiffs seek leave to serve a deposition subpoena on to obtain testimony
on this issue. In the alternative, we request permission to brief a motion under Rule 37(c) to
preclude Defendants from offering testimony at trial
given the lack of any appropriate or timely disclosure or discovery.1
Plaintiffs' counsel (John Quinn) met and conferred with Defendants' counsel (Michael
Farina) by phone and videoconference on the afternoon of October 25, and Defendants' counsel
refused to consent to the deposition of . Over the ensuing days, the parties met and
conferred about potential alternatives, but were unable to find a solution sufficient to cure the
prejudice resulting from Defendants' gross failures and delays in disclosure and discovery.

¹ Plaintiffs also reserve all evidentiary objections and the right to move *in limine* pre-trial.

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that is,	to n	ut it 1	blun	tlv. no	t cred	ible.		Ι	n that m	oment, Mr	. Tru	mp ga	ve testii	nony
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3,500	docu	ıment	ts to	taling	more	than	10,000) pages in t	this case	e, including	g rou	ighly 2	2,150 er	nails.
2														



³ This was a strange move, as it came at the end of the deposition period (and so did not provide Plaintiffs with any meaningful notice), and because the Court's Order by its terms still would permit us to take pretrial depositions of any trial witnesses not included on the "*initial* Rule 26(a) disclosures." ECF 474 at 1 (emphasis added).

⁴ We note that, of the 105-hour limit set by the Court, we have only used approximately 73 hours and are otherwise complete with fact depositions.

We are available for a conference at the Court's convenience, and would be happy to submit any additional information requested by the Court, including any of the deposition testimony or documents cited above.

Respectfully submitted,

Roberta A. Kaplan

cc: Counsel of Record (via ECF)